

Subject Matter Index

A

Acquittal

effect on civil action 391

Adjournment 189–192

Allocation of Offender Payments 346–348

Anatomically Correct Dolls 196–198

Appeals

notification of victim 146

rights following reversal 147

victim standing 18–21

Appearance Tickets 54–55

Arrest

notification of victim 134–135

Assaultive Crimes

bond pending sentencing or appeal 36

defined 34–36, 38

jail overcrowding 38

juvenile diversion 36

name change 38

probation revocation 36

setting aside conviction or adjudication 36–38

speedy trial 38

temporary release or community placement 38

victim attendance at court proceedings 38

B

Bond

conditions to protect victim 56

Crime Victim's Rights Fund assessment 28

interim 55–56

juveniles 57

pending appeal 58, 147
pending sentencing 57–58
restitution 335

Buttons Worn by Spectators at Trial 267–269

C

Character Evidence 211–225
 homicide victim 211–212
 sexual assault victim 212–225

Child Abuse
 clergy 96
 expert testimony 229–241
 protections to allow testimony 193–205
 reporting 94–95
 sexual assault 5
 speedy or expedited trial 188

Child Victim-Witnesses
 protections to allow testimony 193–205

Citation
 statement of damage or injury 137–138

Civil Actions
 admissibility of previous conviction 392–396
 after criminal or delinquency case 391
 clergy sexual abuse 388–391
 compensatory damages and restitution 345, 398
 double jeopardy 391
 exemplary damages and restitution 398
 parental liability 386–387
 privilege against self-incrimination 396–398
 restitution 319, 326
 setting aside conviction or adjudication 392
 standard of proof 391
 stay pending outcome of criminal proceeding 397
 torts 384–386
 use of order of adjudication 386
 use of pleas in criminal cases 394
 use of testimony from juvenile proceedings 395–396

Closed-Circuit Television 202–205

Communicable Disease Testing 160–162

Commutation 286

Compensation
 accomplices 363
 appeals 374
 application form 377
 attorney fees 374–375
 authority of CVSC 365
 burden and standard of proof 366, 373
 confidentiality 115–116, 376
 coordinating restitution 349
 crime 359
 criminal action pending 364
 criminally responsible for crime 362
 dependent 359
 disability benefits 370
 eligible expenses 360–362
 eligible individuals 358–360, 362–363
 emergency awards 365
 evidentiary rules 373
 filing requirements 363–364
 final decision on claim 373
 fraudulent claims 375–376
 funeral expenses 361, 370
 grief counseling 370
 hearing 372
 imprisoned victims 363
 initial decision on claim 371
 intervenor 359
 investigation requirements 365–366
 jurisdiction of CVSC 363
 lost earnings 370
 maximum award 370
 medical expenses 361
 minimum loss required 358
 minor victims 363
 misconduct of victim 368–369
 noncooperation of victim or claimant 367–368
 out-of-pocket loss 361
 payment of awards 370
 personal physical injury 359
 psychological counseling 361, 370
 reduction of award 369
 reimbursement by offender 377
 religious healing methods 361

-
- replacement services 361
 - report of decision 371, 373
 - request for hearing 371–372
 - request for review by commission 371–372
 - restitution 345
 - review by commission 372
 - serious financial hardship standard 366–367
 - standard of review 374
 - subrogation 377
 - support 360, 361, 370
 - time requirements for reporting crime 360
 - unjust enrichment of offender 362
 - victim 360
- Competency of Victim-Witnesses 192–193
- Complaint
- statement of damage or injury 137–138
- Consent Calendar 122
- limitations on use 124–126
- Constitutional Rights of Victim 15–17
- attend court proceedings 184
 - confer with prosecuting attorney 118
 - dignity and privacy 79
 - notification 134
 - protection from accused 52
 - restitution 310
 - victim impact statement 272
- Consultation with Prosecuting Attorney
- before trial 128
 - consultation defined 127
 - criminal cases 118–119
 - informal juvenile disposition 138–139
 - juvenile delinquency cases 126
- Contempt of Court
- interfering with witness 76–77
- Continuance 189–192
- County Juvenile Agency 39
- Court Records
- access 105–109
- Courtroom
- closing criminal trials to public 112–114
 - closing preliminary examinations to
 - public 111–112
 - closing to public 111–115
 - rearranging courtroom to shield or screen witnesses 199–201
- Crime Victim Services Commission 24
- confidentiality 115–116
- Crime Victim’s Rights Act
- applicability 32–33, 137–138
 - elements 33–34
 - Public Act 503 of 2000 314
- Crime Victim’s Rights Fund Assessment 25–29
- allocation of offender payments 346–348
 - transmittal to Department of Treasury 29, 30
- Criminal Trials
- closing to public 112–114
- Cross-Examination
- civil suit by victim 211
 - pro-se defendant 209–211
- ## D
- Defendant 39
- misconduct rendering witness unavailable at trial 261–266
 - self-representation and cross-examination of victims 209–211
- Designated Proceedings 40
- Crime Victim’s Rights Fund assessment 25
 - dispositional options 43
- Developmentally Disabled Victim-Witnesses
- protections to allow testimony 193–205
- Discovery
- defense counsel interview of victim 80–81
 - exculpatory evidence 84
 - privileged or confidential information or evidence 99–104
 - prosecuting attorney’s notes 83
 - psychiatric evaluation of victim 81–82
 - statements by victims 82–84, 85–86
 - victim impact statements 104–105
 - work-product privilege 85

Dismissal of Case

- juvenile proceeding 122
- notification of victim 141

Diversion 122

- limitations on use 36, 124–126

Domestic Violence 5–6

- complainant's refusal to testify 262, 265–266
- defined 89–90
- expert testimony 229–233
- notification of services and rights 135
- release of accused 54, 55–56
- restitution 317

Drug Treatment Court

- juvenile 123
- restitution 318
- victim impact statements 125, 278

E

Elderly Victims 6

Employers

- victim attendance at court proceedings 38, 131

Escape

- LEIN 151
- notification of victim 150–151

Expert Testimony 225–229

- behaviors of defendant 239–241
- effects of battering 229–233
- effects of sexual assault 233–241
- sexual assault nurse examiner (SANE) 235

Extortion 68–69

F

Family Division of Circuit Court 39

Felony 39

- Crime Victim's Rights Fund assessment 25

Final Disposition 40

Former Testimony of Unavailable Witness 260–265

Freedom of Information Act

- access to victim identifying information 105–109, 160
- Crime Victim Services Commission 115

G

Gag Orders 109, 112

H

Hate and Bias Crimes 6

Hearsay 241–257, 259–266

- catch-all exceptions 253–257
- corroboration of child's statement describing sexual act 252–253
- dying declarations 263–264
- excited utterances 243–245
- present sense impressions 242–243
- statements made for medical treatment or diagnosis 247–252
- statements of existing mental, emotional, or physical condition 245–247

Homicide

- psychological effects 4, 9

I

Identity Theft 130

Informal Procedures

- victim's rights 123–124, 124–126

Interpreters 208–209

Intimidating Victim

- contempt of court 76–77
- criminal offenses 63–76
- fear within neighborhood or community 63
- notice of procedures 62
- revocation of release 62–63
- victim address and telephone number 60–61

J

Judgment of Sentence

- admissibility 392–396

Judicial Ethics 11–14

-
- Juvenile 39
- Juvenile Disposition 42
- conditions to protect victim 60
 - Crime Victim's Rights Fund assessment 28
- Juvenile Facility 43
- Juvenile Offense 43
- Crime Victim's Rights Fund assessment 25, 28
- Juvenile Proceedings 40–43
- automatic waiver 41, 43
 - closing 114
 - commitment review hearings 151–153
 - designated proceeding 40
 - informal dispositions 121–126
 - required acceptance of petition 123–124
 - traditional waiver 40, 43
- ## L
- LEIN
- escape 151
- ## M
- Malicious Prosecution 384
- Malicious Use of Telephone 75
- Media Depictions of Offense
- escrow of profits 398–400
- Michigan Crime Victim Notification Network 172–174
- ## N
- Name Change (Victim)
- assaultive crime 38
 - court records 107
- Nolo Contendere Pleas 395
- Notification of Victim
- adjudication 141–145
 - appeals 146–147
 - arrest 134–135, 136–137
 - automated notification 172–174
 - boot camp 149
 - commitment review hearings 151–153
 - communicable disease testing 160–162
 - commutation 155
 - compensation 134–135, 139–141
 - conviction 141–145
 - court procedures 139–141
 - current address and telephone number 159
 - discharge of juvenile 153–154
 - discharge of prisoner 155
 - dismissal of case 141
 - DNA testing 158
 - domestic violence 135
 - earliest release date 148
 - escape 150–151
 - exemption from sex offender registration 156–158, 287
 - final disposition 145
 - informal juvenile disposition 125, 138–139
 - juvenile disposition 145
 - juvenile's corrections status 147–148
 - medical services 134–135
 - name change 155–156
 - pardon 155
 - parole date 148
 - parole review 154, 282
 - parole violation 154
 - pretrial release 136–137
 - prisoner's corrections status 147–148
 - release pending appeal 147
 - reprieve 155
 - response to threats or intimidation 139–141
 - restitution for non-CVRA offenses 315
 - rights 139–141
 - schedule of court proceedings 141
 - setting aside conviction or adjudication 158
 - subsequent offense 154
 - table summarizing requirements 162–172
 - transfer of juvenile 149
 - transfer of prisoner 149–150
 - victim impact statements 141–145
- ## O
- Obstruction of Justice 63–68

Order of Adjudication
admissibility 392–396
use in civil action 386

P

Pardon 286

Parole 281–286
appeals by victim 282–286
conditions to protect victim 59–60
consideration of victim impact 281
Crime Victim’s Rights Fund assessment 28
notification of earliest parole date 148
notification of prosecuting attorney
appeals 283
notification of victim 154
stay pending appeal 284–285
victim impact statement 282

Parole Guidelines 281

Person 44

Petition
required acceptance 123–124
statement of damage or injury 137–138

Plea Bargains
consultation with prosecuting attorney 118–
119, 126
restitution 119, 311
sentence bargains 120–121
victim impact statements 105, 120–121

Plea under Advisement 123
limitations on use 124–126

Pleas
nolo contendere 395
use in civil action 394

Police Protection
public duty doctrine 52–54

Post-Traumatic Stress Disorder 3–4

Preliminary Examinations
closing to public 111–112

Preliminary Inquiry 122

Presentence Investigation Report
disclosure to offender 332

Prisoner 44

Privacy
access to victim identifying
information 105–109, 138, 160
compensation proceedings 115
confidential records 96–99
privileges 86, 87–96
visual representations of victims 109

Privilege Against Self-Incrimination
civil actions 396–398

Privileges 87–94
abrogation under Child Protection Law 94–
96
clergy 93–94
domestic violence counselors 88–90
licensed professional counselors 90–91
marital communications 87–88
physicians 92–93
psychiatrists 91–92
psychologists 91–92
sexual assault counselors 88–90
sign language interpreters 94
social workers 91
teachers 94

Probation
conditions to protect victim 59–60
Crime Victim’s Rights Fund assessment 28

Property
return of victim’s property 129–130

Property Offenses
threatening or intimidating victim 76

Prosecuting Attorney 44
authority 127–128, 265–266

Psychiatric Evaluation of Victim 81–82

Psychological Effects of Crime 3–7
domestic violence 5–6
elderly victims 6
hate and bias crimes 6
homicide 4, 9

self-represented offender 10
sexual assault 5, 10
victim participation in court proceedings 2–
3, 8–10

R

Rape Shield Law 212–225

Records

access to court records 105–109
access to victim identifying
information 105–109
child abuse or neglect 99
drug abuse treatment 97
juvenile court 97–98
juvenile diversion 99
mental health 96–97
name change 107–108
prescriptions 97
search warrant affidavits 107

Release of Accused

appearance tickets 54–55
assaultive crimes 38
conditions to protect victim 56
interim bond 55–56
juveniles 57
notification of victim 134–135
revocation 62–63

Repressed Memories 390–391

Reprieve 286

Restitution

ability to pay 325
allocation of offender payments 346–348
amendment of order 313
amount required 325–326
bankruptcy of offender 344–345
bond 335
burden of proof 333
civil actions 319, 326
community service by juveniles 336
compensatory nature 311, 314
conditional sentence 316
coordinating victim compensation 349
course of conduct by offender 319–322

deceased offender 311
deceased victim 320, 329, 330–332
deferred sentence 317
delayed sentence 317
determining amount of loss 332, 333
drug treatment court 318
employment of offender 336
enforcement of order 342–344
funeral expenses 329
hearings 333–334
Holmes Youthful Trainee Act 317–318
homemaking expenses 328–329
imprisoned offender 340–341
informal juvenile disposition 125, 316
insurance companies 324
interest 326
joint and several liability 326
late claims 311–313
law enforcement agency 323
lost income 328–329
modification of order 335, 341–342
narcotics enforcement teams 322
offenses requiring restitution 43, 315
parental liability 40, 334, 342
parole condition 336–338
parole revocation 339–340
persons entitled to restitution 48, 319–325
persons who compensate victim 324
persons who provide services to victim 324–
325
physical injury 328–329
plea bargains 119, 311
prisoner accounts 340–341
prisoner lawsuit proceeds 341
prisoner wages 341
probation condition 336–338, 342
probation revocation 339–340
property forfeiture 335
property offenses 327–328
psychological injury 328–329
reports by probation officers 332
retroactive application 314
reversal of conviction or adjudication 346
review of payment 337–338
serious bodily impairment 330–332
services in lieu of money 335, 336

set offs 345, 398
setting aside conviction or adjudication 345
statutory authority 313–314
tax deduction or credit 329
time for making payment 325
travelling expenses of victim 326
triple restitution 330–332
uncharged offenses 48, 320
unclaimed 29–30, 349
wage assignment 336

Restorative Justice 14

S

Secondary Victimization 7

Self-Defense 211–212

Sentencing Guidelines
 consideration of victim impact 279–280

Separate Waiting Area 60

Sequestering Victim-Witnesses 185–188

Serious Misdemeanor 44–45
 Crime Victim's Rights Fund
 assessment 25–27

Setting Aside Conviction or Adjudication
 assaultive crimes 36–38
 effect on civil action 392
 effect on restitution 345
 notification of victim 158
 victim impact statement 288

Sex Offenders Registration
 petition for exemption 287

Sexual Assault
 clergy 388–389
 expert testimony 233–241
 psychological effects 5, 10
 speedy or expedited trial 188

Son of Sam Law 398–400

Specified Misdemeanor 27–28
 Crime Victim's Rights Fund assessment 25

Speedy or Expedited Trial 188–189

Stalking 69–72
 unlawful posting of a message using an
 electronic medium of
 communication 72–75

Statutes of Limitations
 tort actions 387–391

Support Persons 198–199

T

Threatening Victim
 contempt of court 76–77
 criminal offenses 63–76
 notice of procedures 62
 revocation of release 62–63
 testimonial evidence 257–260
 victim address and telephone number 60–61

Tort Actions 384–386
 parental liability 386–387
 statutes of limitations 387–391

Trial
 display of emotions 267
 spectator buttons 267–269

V

Victim 44, 46–48
 attendance at court proceedings 131
 charged with offense 48, 323
 deceased or incapacitated 46–47
 displaying emotions during trial 267
 incarcerated 48, 323
 interview by defense counsel 80–81
 minor 46
 refusal to participate 265–266
 reporting injury 92–93

Victim Advocates 2, 4, 6, 9, 11
 relationship to prosecuting attorney 86
 statements by victims 85–86

Victim Impact Statements
 commitment review hearings 280
 content 274–275, 276
 disclosure to defendant 274
 discovery 104–105

- disposition report 273–275
- drug treatment court 125, 278
- exemption from sex offenders registration requirements 287
- ex-parte communications 277
- incarcerated victims 276
- letters to the court 277
- oral 275–276
- parole review 282
- presentence investigation report 273–275
- reprieves, commutations, and pardons 286–287
- sample forms 288
- sentence bargains 120–121
- sentencing or disposition 272–278
- setting aside conviction or adjudication 288
- third parties 278
- use following sentencing 275

- Victim Representative 48
 - attendance at court proceedings 131

- Videorecorded Statement 206–207

- Videotaped Testimony 202

- Violation of Victim's Rights
 - civil actions 18
 - conflict with offender's rights 17
 - judicial grievance actions 23
 - mandamus actions 22
 - offender remedies 24, 142
 - public disclosure 24
 - resentencing offender 276
 - superintending control actions 22–23
 - victim appeals 18–21
 - victim remedies 21–24

W

- Work-Product Privilege
 - prosecuting attorney 85
 - victim advocates 86

